

CHAPTER NO. 339

SENATE BILL NO. 510

By Graves, Cohen

Substituted for: House Bill No. 505

By Black, Bunch

AN ACT To amend Tennessee Code Annotated, Title 36, Chapter 2, Part 3, relative to paternity and legitimation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-2-304(b)(2), is amended by designating the present language as subitem (i) and by adding the following language as a new, appropriately designated sub-item to be designated as (ii):

(ii) A petition to establish parentage may be brought under this part if a dismissal of a petition under the prior legitimization statutes was based upon the mother's marriage to another man at the time of conception or upon the petitioner's lack of standing. In such cases, the requirements of subdivision (2)(i) requiring a petition to be filed within twelve (12) months of the birth of the child shall not apply. It is the intent of the General Assembly that putative fathers who filed a cause of action under this chapter prior to the July 1, 1997 effective date of Public Chapter 477, and whose action was so dismissed, shall have an opportunity to prosecute a single cause of action under this part. Thus, the doctrines of res judicata and collateral estoppel shall not bar such new or pending action, nor shall any statute of limitation which may have run bar such new or pending action. It is the clear and unequivocal intent of the General Assembly that this provision shall be applied retroactively to such petitions to establish parentage. No such retroactive application shall, however, abrogate the provisions of Tennessee Code Annotated, Section 36-1-122.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 24, 1999


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 14th day of June 1999


DON SUNDQUIST, GOVERNOR